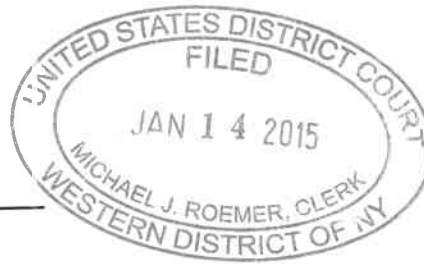


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

LEXIE WILLIAMS,

Petitioner,

-v-

DECISION AND ORDER
14-CV-0754C

GEORGE W. BUSH, KARL ROVE, DOCTOR PYANT
and JUDGE BRITT,

Respondents.

Petitioner, Lexi Williams, proceeding *pro se*, filed a petition on a preprinted form to be used by a federal prisoner seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner also filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 2241. As noted in a previous Motion to Vacate filed by petitioner pursuant to 28 U.S.C. § 2255, petitioner, in 2007, had been remanded to the custody of the Attorney General of the United States or his representative pursuant to 18 U.S.C. § 4241(d) for further evaluation and if appropriate, proceeding pursuant to 18 U.S.C. 4246. Later, on March 20, 2009, based on a finding that petitioner was not competent to stand trial, the criminal indictment against petitioner was dismissed by this Court. (*Williams v. United States*, 04-MJ-4085CJS, 14-CV-6228CJS, Docket No. 27, Order.) Petitioner is currently in custody at the Butner Federal Medical Center in Butner, North Carolina.

Petitioner's prior Motion to Vacate, which was liberally considered under both 28 U.S.C. § 2255 and 28 U.S.C. § 2241, was dismissed on the bases that: (1) petitioner had not been convicted and sentenced and thus the Motion under § 2255 was moot because the Court had not imposed a sentence; and (2) even construing the Motion as a petition

under § 2241, it had to be dismissed without prejudice because, while a petition under § 2241 could be filed only in the District of petitioner's confinement where the district court in that District had jurisdiction over the warden of the facility where petitioner was confined--Butner--the Court could not transfer the petition to said district court--Eastern District of North Carolina--because petitioner had not paid the filing fee nor filed a motion to proceed *in forma pauperis*. (*Williams v. United States*, 04-MJ-4085CJS, Docket No. 27, Order, at 2) (citing *Santulli v. United States*, 2003 WL 21488084, at *2-3 (S.D.N.Y., June 25, 2003); and *Williams v. U.S.*, 2011 WL 3296101, at *20 (S.D.N.Y. July 28, 2011) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004)).) Accordingly,

IT IS HEREBY ORDERED that the petition is transferred to the United States District Court for the Eastern District of North Carolina. The determination of petitioner's application to proceed *in forma pauperis* has been left to the Eastern District of North Carolina District.

SO ORDERED.

Dated: JAN-12, 2015
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge